

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
ALFRED THOMAS DEVAULT

Case No:-25-11198-ABL

CHAPTER 13

Debtor(s)

Hearing Date: May 15, 2025

Hearing Time: 1:30 pm

LAW OFFICE OF ERIK SEVERINO
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN
#1 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
bankruptcy case and hereby alleges as follows:

Statement of Facts

The Debtor(s) filed for Chapter 13 relief on 03/04/2025. The Section 341(a) Meeting of Creditors held on
April 22, 2025 at 10:00 am was concluded .

Argument

The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed
pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- Debtor(s) failed to commence payments as required by the proposed plan and Sec. 1326(a).
11 U.S.C. §1326(a)(1) & 1307(c)(4)
- Debtor(s) is/are delinquent with payments required by the proposed plan and sec. 1326(a).
11 U.S.C. §1307(c)(1)
- The proposed Plan is not feasible as the Debtor(s) lacks sufficient regular income. 11
U.S.C. §109(e)

- Plan has not been noticed to all creditors (Quantum3 Group, POC 1, not noticed)

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents¹ and/or amendments:

- All tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. Specifically: Complete 2024 return (copy recieved is missing page 1 of 1040.)
- Bank Statement(s) for the following period(s): Bank of Citibank #4499 1/4/25-3/4/25.
- Amendment to Plan: Section 2.1 must indicate debtor is not eligible for a discharge; Include HOA in direct payment section and move arrears to Section 4.2 .
- Amendment to Schedule I. Current Income of Individual Debtor(s): Include non-filing spouse's income from miscellaneous work.

Finally, Trustee makes the following statements in an effort to maintain a clear record:

- The Debtor(s) is/are not eligible for discharge based on 11 U.S.C. §1328(f) because Debtor(s):
 - Received a discharge in a case filed under Chapter 7 during the 4 year period preceding the date of filing of the instant case.
 - OR
 - Received a discharge in a case filed under Chapter 13 during a 2 year period preceding the date of filing of the instant case.

Conclusion

WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 4/24/25

/s/ Kathleen A. Leavitt
Kathleen A. Leavitt
Chapter 13 Trustee

¹ The Trustee requests that all documents be submitted in a redacted form. Please reference F.R.B.P. 9037 for guidance on the information that should be redacted.

KATHLEEN A. LEAVITT
CHAPTER 13 STANDING TRUSTEE
711 S 4Th Street
Suite 101
Las Vegas, NV 89101

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

**CASE NO: BKS-25-11198-ABL
Chapter 13**

ALFRED THOMAS DEVAULT

Debtor (s)

CERTIFICATE OF SERVICE

1. On April 24, 2025, I served the following document(s):

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1 COMBINED WITH
TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

2. I served the above-named documents(s) by the following means to the persons

as listed below:

United States mail, postage fully prepaid

ALFRED THOMAS DEVAULT
4571 DOPO CT
LAS VEGAS, NV 89135

LAW OFFICE OF ERIK SEVERINO
7251 W LAKE MEAD BLVD
SUITE 300
LAS VEGAS, NV 89128

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: 4/24/25

/s/ Esther Carr
Employee of
Kathleen A. Leavitt
Chapter 13 Standing Trustee